

By **Andrea S. Jernigan** (Signature No. 23)

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Name of Attorney/Agent  
Signature of Attorney or Agent

P&G Case 8473MR2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of

Hird et al.

: Confirmation No.

Serial No.: 10/699,277

: Group Art Unit

Filed October 31, 2003

: Examiner

For The Use Of Non-Digestible Polymeric Foams To Sequester Ingested Materials Thereby  
Inhibiting Their Absorption By The Body

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, record is being made on the attached Form PTO/SB08 of documents which the Patent Office may wish to consider in connection with examination of the above-identified patent application. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case. As provided in §1.97(g), no representation is made or intended that a thorough art search was made. As provided in 37 C.F.R. §1.97(h), this Information Disclosure Statement does not constitute an admission of any kind, and specifically is not an admission that the documents listed on attached form PTO/SB08 are, or are considered to be, material to the patentability of the above-identified patent application, as defined in 37 C.F.R. §1.56(b).

1.  **37 C.F.R. §1.97(b)(1) - U.S. Direct (use when filing IDS with nonprovisional patent application, or with Request for Continued Examination (RCE); or within 3 months of filing a nonprovisional patent application)**

This information disclosure statement, submitted under 37 C.F.R. §1.97(b)(1), is being filed with the patent application, with a Request for Continued Examination or within three months of the filing date of a national application. Therefore, no fee is believed to be due.

2.  37 C.F.R. §1.97(b)(3) - (use when filing IDS more than 3 months after filing a nonprovisional patent application, but prior to receipt of first Office Action)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(3). Applicants have not received an Office Action on the merits in the present application. Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

3.  37 C.F.R. §1.97(b)(4) - (use when filing IDS prior to receipt of first Office Action after the filing of a Request for Continued Examination (RCE) under §1.114)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(b)(4). Applicants have not received a first Office Action after filing a Request For Continued Examination (RCE). Therefore, no fee is believed to be due. However, in the event that this paper is crossing in the mail with a first Office Action on the merits, authorization is hereby given to charge the required fee pursuant to 37 C.F.R. §1.97(c) and 37 C.F.R. §1.17(p) to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. A duplicate of this letter (or a fee transmittal form) is enclosed to facilitate charging of the fee, if necessary.

4.  37 C.F.R. §1.97(c) with fee payment - (use when filing IDS after receipt of first Office Action, and before receipt of Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution)

This information disclosure statement is being submitted under 37 C.F.R. §1.97(c). Applicant(s) have not received a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application (e.g., *Ex parte Quayle*) as of the date of this submission. Applicant(s) elect to pay the fee set forth in 37 C.F.R. §1.17(p). Please charge the fee set forth in 37 C.F.R. §1.17(p) to Deposit Account Number 16-2480 in the name of The Procter & Gamble Company. A duplicate copy of this letter (or a fee transmittal form) is enclosed to facilitate the charging of the fee.

5.  Information to be Considered with Continued Prosecution Application (CPA) Filing (use when filing IDS with a Continued Prosecution Application (CPA) for Design Case). This information disclosure statement is being filed with a Continued Prosecution Application (CPA) filed under 37 C.F.R. 1.53(d).

**ADDITIONAL ITEMS TO BE NOTED BY THE EXAMINER:**

(1) (For use with applications filed prior to or on June 30, 2003.) Copies of the cited documents are enclosed.

OR

(2) (For use with applications filed after June 30, 2003.) In accordance with 37 C.F.R. §1.98(a)(2), Applicants are submitting copies of foreign patent documents and non-patent literature.

OR

(3) All of the cited references were previously cited by or submitted to the USPTO in prior application Case No. \_\_\_\_, U.S. Patent Application Serial No. \_\_\_, filed \_\_\_. Applicants claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

OR

(4) Copies of all said documents, except US 6,624,161 B2 and WO 00/40569, were submitted and considered in parent application U.S. Patent Application Serial No. 10/083,218, filed February 26, 2002 and U.S. Patent Application Serial No. 10/251,376, filed September 20, 2002. Applicant(s) claim priority to said application under 35 U.S.C. §120. Accordingly, copies of previously submitted references are not provided with this Statement, pursuant to 37 C.F.R. §1.98(d). Copies of references not previously submitted are enclosed. Copies of the Information Disclosure Statement and PT0SB08 for U.S. Patent Application Serial No. 10/083,218 and U.S. Patent Application Serial No. 10/251,376 are attached for your reference. It is respectfully requested that the cited documents be carefully considered by the Examiner and made of record in this case.

(5) Pursuant to 37 C.F.R. §1.98(c), a concise explanation of the relevance of each cited reference that is not in the English language is provided.

(6) Applicants also respectfully request the Examiner to consider and make of record the co-pending applications listed on the attached page.

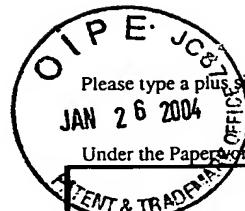
Additional information is attached.

Respectfully submitted,

By Kelly L. McDow-Dunham

Kelly L. McDow-Dunham  
Attorney or Agent for Applicant(s)  
Registration No. 43,787  
(513) 622-3236

Date: January 23, 2004  
**Customer No. 27752**  
(8473MR2 IDS.doc) (Last Revised 10/10/03)



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PTO/SB/08A (08-03)

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

SHEET 1 of 1

 <b>Substitute for form 1449A/PTO</b>		<b>COMPLETE IF KNOWN</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		Application Number	10/699277
		Confirmation Number	
		Filing Date	October 31, 2003
		First Named Inventor	Hird et al.
		Group Art Unit	
		Examiner Name	
		Attorney Docket Number	8473MR2

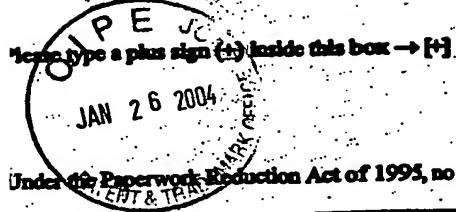
## U. S. PATENT DOCUMENTS

## FOREIGN PATENT DOCUMENTS

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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SUPPLEMENTAL PTO/SB08A (10-01)

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Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 1 of 1

COMPLETE IF KNOWN	
Application Number	10/083,218
Confirmation Number	8600
Filing Date	February 26, 2002
First Named Inventor	Bryn (NMN) Hind
Group Art Unit	
Examiner Name	
Attorney Docket Number	8473M

## U. S. PATENT DOCUMENTS

EXAMINER INITIALS <sup>1</sup>	CITE NO. <sup>2</sup>	DOCUMENT NUMBER Number - Kind Code <sup>3</sup> (if known)	PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	PAGES, COLUMNS, LINES WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
1	US-5,650,222	07/22/1997	DesMarais et al.		
2	US-6,048,908	04/11/2000	Kitagawa		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS <sup>1</sup>	CITE NO. <sup>2</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	PAGES, COLUMNS, LINES WHERE RELEVANT PASSAGES OR RELEVANT FIGURES APPEAR
3	DE 199 42 365 A1	06/09/1999	Beisel		
4	EP 0901792 A1	03/17/1999	Suwelack		
5	EP 1214934 A2	09/06/2002	Ratjen		
6	WO 01/17377 A1	03/15/2001	Beisel		
7	WO 98/51408 A1	11/19/1998	Chen		

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

MARKOVA EA: Treatment of Alimentary Obesity with Oxygen Foam" *Vrachebnoe Delo*, vol. 6, 1971, pages 106-108, XP001120225 ISSN: 0049-6804 Abstract

EXAMINER \_\_\_\_\_ DATE CONSIDERED \_\_\_\_\_

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<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.18 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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COMPLETE IF KNOWN

Application Number	10/083,218
Confirmation Number	8600
Filing Date	February 26. 2002
First Named Inventor	Bryn (NMN) Hird
Group Art Unit	
Examiner Name	
Attorney Docket Number	8374M

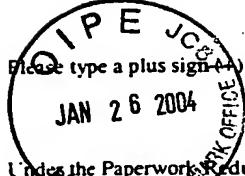
SHEET 1 of 2

## U. S. PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1	US-3,600,186	08/17/1971	Mattson et al.	
	2	US-3,688,763	09/05/1972	Cromarty	
	3	US-3,923,972	12/02/1975	Fields et al.	
	4	US-3,923,976	12/02/1975	Regife Vega et al.	
	5	US-3,980,968	09/14/1976	Ma	
	6	US-3,980,770	09/14/1976	Ingelman et al.	
	7	US-4,005,195	01/25/1977	Jandacek	
	8	US-4,039,489	08/02/1977	Fletcher et al.	
	9	US-4,211,765	08/08/1980	Johnson et al.	
	10	US-4223,023	09/16/1980	Furda	
	11	US-4,340,699	07/20/1982	Grouiller	
	12	US-4,401,682	08/30/1983	Battista	
	13	US-4,432,968	02/21/1984	Page et al.	
	14	US-4,598,089	07/01/1986	Hadvary et al.	
	15	US-5,331,015	07/19/1994	DesMarais et al.	
	16	US-5,447,953	09/05/1995	Isler et al.	
	17	US-5,451,416	09/19/1995	Johnston et al.	
	18	US-5,453,282	09/26/1995	Kanauchi et al.	
	19	US-5,534,284	07/09/1996	Corrigan et al.	
	20	US-5,603,950	02/18/1997	Ratjen et al.	
	21	US-6,030,953	02/29/2000	Bailly et al.	
	22	US-6,077,556	06/20/2000	Letton et al.	
	23	US-6,251,421 B1	06/26/2001	Niazi	

## FOREIGN PATENT DOCUMENTS

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	24	WO 99/34787 A2	07/15/1999	Mandeville et al.		
	25	WO 00/09122 A1	02/24/2000	Hoffmann et al.		
	26	WO 00/09123 A1	02/24/2000	Hoffmann et al.		
	27	WO 00/40247 A1	07/13/2000	Alizm Therapeutics Ltd.		
	28	WO 00/40569 A1	07/13/2000	Alizm Therapeutics Ltd.		
	29	WO 99/47183 A1	09/23/1999	Procter & Gamble Co.		
	30	WO 01/53278 A1	07/26/2001	Alizm Therapeutics Ltd.		
	31	EP 047217 B1	09/03/1997	Ratjen		



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Substitute for form 1449.A/PTO

COMPLETE IF KNOWN

Application Number	10/083,218
Confirmation Number	8600
Filing Date	February 26, 2002
First Named Inventor	Bryn (NMN) Hird
Group Art Unit	
Examiner Name	
Attorney Docket Number	8374M

SHEET 2 of 2

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>4</sup> (If known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>5</sup>
	32	JP 56161319*	12/11/1981	Shin-Etsu Chemical Indust. Co. Ltd.		
	33	JP 2001048086*	02/20/2001	Kyodo Kumiai Tsukuba Hitech Kenkyukai		

\* English Abstract with Japanese Patent

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>5</sup>
	34	COMAI et al., "Antibesity Activity of Pluronic L-101", <u>International J. of Obesity</u> , 1980, pp. 33-42, Vol. 4.	
	35	VOLPENHEIN et al., "Effect of Non-absorbable Lipid, Sucrose Polyester on the Absorption", <u>J. of Toxicology &amp; Environmental Health</u> , 1980, pp. 679-683, Vol. 6.	
	37	MUTTER et al., "Reduction in the Body Content of DDE in the Mongolian Gerbil Treated With Sucrose Polyester and Caloric Restriction", <u>Toxicology &amp; Applied Pharmacology</u> , 1988, pp. 428-435, Vol. 92.	
	38	CAVALIER et al., "Inhibition of Human Gastric and Pancreatic Lipases by Chiral Alkylphosphonates. A Kinetic Study With 1,2-didecanoyl-sn-glycerol Monolayer", <u>Chemistry and Physics of Lipids</u> , 1999, pp. 3-31, Vol. 100.	
	39	GEUSAU et al., "Olestra Increases Faecal Excretion of 2,3,7,8-tetrachlorodibenzo-p-dioxin", <u>The Lancet</u> , 1999, pp. 1266-1267, Vol. 354.	
	40	MOSER et al., "A Non-Absorbable Dietary Fat Substitute Enhances Elimination of Persistent Lipophilic Contamination in Humans", <u>Chemosphere</u> , 1999, pp. 1513-1521, Vol. 39 No. 9.	
	41	LENGSFELD et al., "Effect of Orlistat and Chitosan on Faecal Fat Excretion in Young Healthy Volunteers", <u>Obesity Research</u> , November 1999, pp. 505, Vol. 7, Suppl. 1.	
	42	YAMAMOTO et al., "Anti-obesity Effects of Lipase Inhibitor CT-II, an Extract from Edible Herbs, Nomame Herba, on Rats Fed a High-fat diet", <u>International J. of Obesity</u> , 2000, pp. 758-764, Vol. 24.	
	43	CHIOU et al., "Synthetic Routes and Lipase-Inhibiting Activity of Long-Chain $\alpha$ -Keto Amides", <u>Lipids</u> , 2001, pp. 535-542, Vol. 36, No. 5.	
	44	HAN et al., "Anti-obesity Effects in Rodents of Dietary Teasaponin, a Lipase Inhibitor", <u>International J. of Obesity</u> , 2001, pp. 1459-1464, Vol. 25.	

EXAMINER	DATE CONSIDERED

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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SHEET 1 of 2

### COMPLETE IF KNOWN

Application Number	10/251376
Confirmation Number	
Filing Date	9/20/02
First Named Inventor	Bryn (NMN) Hird & Ronald James Jandacek
Group Art Unit	
Examiner Name	
Attorney Docket Number	8473MRL

### U. S. PATENT DOCUMENTS

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	15	US-5,331,015	07/19/1994	DesMarais et al.	
	16	US-5,447,953	09/05/1995	Isler et al.	
	17	US-5,451,416	09/19/1995	Johnston et al.	
	18	US-5,453,282	09/26/1995	Kanauchi et al.	
	19	US-5,534,284	07/09/1996	Corrigan et al.	
	20	US-5,603,950	02/18/1997	Ratjen et al.	
	21	US-6,030,953	02/29/2000	Bailly et al.	
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	23	US-6,251,421 B1	06/26/2001	Niazi	

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	25	WO 00/09122 A1	02/24/2000	Hoffmann et al.		
	26	WO 00/09123 A1	02/24/2000	Hoffmann et al.		
	27	WO 00/40247 A1	07/13/2000	Alizme Therapeutics Ltd.		
	28	WO 00/40569 A1	07/13/2000	Alizme Therapeutics Ltd.		
	29	WO 99/47183 A1	09/23/1999	Procter & Gamble Co.		
	30	WO 01/53278 A1	07/26/2001	Alizme Therapeutics Ltd.		
	31	EP 047217 B1	09/03/1997	Ratjen		

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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Confirmation Number	
Filing Date	9/20/02
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Group Art Unit	
Examiner Name	
Attorney Docket Number	8473MRL

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENT				Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
EXAMINER INITIALS <sup>5</sup>	Cite No. <sup>1</sup>	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>6</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
	32	JP 56161318*	12/11/1981	Shin-Etsu Chemical Indust. Co. Ltd.	
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\* English Abstract with Japanese Patent

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS <sup>5</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	34	COMAI et al., "Antiobesity Activity of Pluronic L-101", <u>International J. of Obesity</u> , 1980, pp. 33-42, Vol. 4.	
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	38	CAVALIER et al., "Inhibition of Human Gastric and Pancreatic Lipases by Chiral Alkylphosphonates. A Kinetic Study With 1,2-didecanoyl-sn-glycerol Monolayer", <u>Chemistry and Physics of Lipids</u> , 1999, pp. 3-31, Vo. 100.	
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EXAMINER

DATE CONSIDERED

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